



Memorandum

TO: City Council

FROM: Mayor Ron Gonzales
Councilmember Ken Yeager

SUBJECT: Employee Benefits and
Same Sex Marriages

DATE: March 4, 2004

Approved

Date

RECOMMENDATION

1. The City of San Jose recognizes all marriages of our City employees certified by other jurisdictions.
2. Direct staff to make any necessary changes to our benefits policies to ensure that all marriages of our City employees certified by other jurisdictions are treated equally and fairly.

BACKGROUND

In recent weeks thousands of gay and lesbian couples have been married in the City and County of San Francisco, including employees of the City of San Jose. Other states and communities across the country are starting to follow San Francisco's leadership.

It has come to our attention that one of our employees married in San Francisco last month attempted to enroll her spouse in our employee benefits program. She was told, however, that she would have to wait until the open enrollment period later this year because our current benefits policy treats her same-sex marriage as a "domestic partnership." Upon their marriages, most City employees can enroll their spouses immediately.

We believe it is right and just that employee benefits provided to spouses of City employees should be applied even-handedly in accordance with our firm and successful commitment to ending bias and discrimination in the workplace.

Unless court decisions later rule against the legality of same-sex marriages from San Francisco or other areas of the nation, we must treat all our employees equally.

COORDINATION

City Attorney and City Manager